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DATE: **February 15, 2008**

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Please deliver this and the following pages to:

Name:	**Examiner Anil N. Kumar**
Company/Firm:	**United States Patent and Trademark Office**
Telecopier No.:	**1-571-273-8300**
Client/Matter No.:	**MSFT-2872/306077.02** **Serial No.: 10/788,813** **Filing Date: 02/27/2004**
Sender's Name:	**John E. McGlynn**
Pages to Follow:	**5**

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COVER MESSAGE:

PTOL-413A (08-07)
Approved for use through 06/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/788,813 First Named Applicant: David W. Proctor
Examiner: Anil N. Kumar Art Unit: 2174 Status of Application: Pending

Tentative Participants:
(1) John McGlynn (2) Jessica Costa
(3) (4)

Proposed Date of Interview: 3/19/08 **Proposed Time:** 13:00 (AM/PM)

Type of Interview Requested:
(1) [X] Telephonic (2) [ ] Personal (3) [ ] Video Conference

Exhibit To Be Shown or Demonstrated: [ ] YES [ ] NO
If yes, provide brief description:

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) 103	1-42	Combs, Perttunen, Westerman	[ ]	[ ]	[ ]
(2)			[ ]	[ ]	[ ]
(3)			[ ]	[ ]	[ ]
(4)			[ ]	[ ]	[ ]

[ ] Continuation Sheet Attached

Brief Description of Arguments to be Presented: See Attached

An interview was conducted on the above-identified application on .

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/John E. McGlynn/
Applicant/Applicant's Representative Signature

Examiner/SPE Signature

John E. McGlynn
Typed/Printed Name of Applicant or Representative

42,834
Registration Number, if applicable

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT

DOCKET NO.: MSFT-2872/ 306077.02
Application No.: 10/788,813
Office Action Dated: January 8, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David W. Proctor, et al.

Confirmation No.: **7349**

Application No.: **10/788,813**

Group Art Unit: **2174**

Filing Date: **February 27, 2004**

Examiner: **Anil N. Kumar**

For: **APPARATUS, SYSTEMS AND METHODS RELATING TO IMPROVED USER INTERACTION WITH A COMPUTING DEVICE**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant Initiated Interview Request Form – continued

- For Discussion Purposes Only -

Proposed Amendment:

1. (Proposed) A user interface control, comprising:

a touchpad control having a touch-sensitive surface comprising the shape of an arc, the arc divided into a first region and a second region by a dividing line, the first region associated with a first function having a plurality of different degrees of said first function, each degree of the first function associated with a corresponding relative distance within the first region from the dividing line ~~the touch-sensitive surface comprising a first region associated with a first set of functionality~~, wherein the touchpad control is configured to detect a touch within the first region and to select the first function and an associated degree of the first function corresponding to the relative distance of the touch from the dividing line within the first region ~~a degree of functionality dependent upon a relative location of the touch within the first region~~

Prior Art Rejections

The touchpad surface of Combs does ***not*** "comprise the shape of an arc." Rather, as clearly shown in Fig. 2A, the touchpad surface 110 of the touchpad 19 is substantially in the shape of a rectangle - not an "arc."

The touchpad surface 110 in Combs is also not "**divided into a first region and a second region by a dividing line, the first region associated with a first function having a plurality of different degrees of said first function each degree of the first function associated with a corresponding relative distance from the dividing line**". In Combs, the touchpad surface includes a default template graphical design inscribed on the touchpad surface 110. (See Fig. 2A) The template graphical design includes images that **each correspond to a different function.** For example, the template graphical design includes images of buttons entitled "enter," "exit," "pause," "previous," "next," and four different arrow keys indicating up, down, right, or left. Each of these images corresponds to a **different function** with a corresponding **different functional purpose.** None of the functions associated with the graphical images can be considered to be **different degrees** of a **single** function. The degree of function performed in Combs does not change depending on where on a given button the user presses. For example, the function corresponding to the "enter" image performs only one level of function (*i.e.*, "entering"), and the degree of the "enter" function performed does not change depending on where on the "enter" button that a user presses.

Combs also does not teach "wherein the touchpad control is configured to detect a touch within the first region and to **select the degree of the first function corresponding to the relative distance from the dividing line location of the touch within the first region.**" A touch to an area on the touchpad surface 110 in Combs merely results in the selection of a single function without regard to any associated degrees of that function. For example, the **degree** of function performed in Combs does not change depending on **where** on the "enter" button a user presses. In contrast, in addition to a user's touch selecting a function, Applicants independent claims also require that the touch select a corresponding **degree** of the selected function. Combs does not teach this.

Perttunen does not address the deficiencies of Combs. Perttunen discloses a method for visibly representing information with a plurality of regions and for providing an input interface to allow a user-initiated selection of a portion of this information. (Perttunen, col. 2, lines 23-28). Perttunen shows in FIG. 9 a plurality of regions representing an example tree (shown in Perttunen's FIG. 8). Each of the plurality of regions corresponds to a different element. For example, each region in Perttunen's FIG. 9 corresponds to and represents a **different node** in the tree shown in Perttunen's FIG. 8. In contrast to claim 1, Perttunen does not teach or suggest a "first region associated with a first function having a plurality of **different degrees** of said first function **each degree of the first function associated with a corresponding relative distance from the dividing line.**" Rather, in Perttunen, each region represents a **discrete** element (e.g., a discrete node in the tree). The discrete elements/nodes do not provide **differing degrees of functionality based on where in a region the user touches.**

Westerman does not make up for the deficiencies of Combs and Perttunen. Westerman discloses an apparatus for simultaneously tracking multiple finger and palm contacts as hands approach, touch, and slide across a proximity-sensing multi-touch surface. (Westerman, Abstract). In the system disclosed by Westerman, combinatiorial optimization modules associate each contact's path with a particular fingertip, thumb, or palm of either hand on the basis of biomechanical constraints and contact features. Classification of intuitive hand configurations and motions enables integration of typing, resting, pointing, scrolling, 3D manipulation, and handwriting into a computer input device. (Westerman, Abstract).

Westerman's multi-touch surface apparatus senses the touch and motions of multiple touch devices (such as fingertips, palms, etc) on the multi-touch surface, and converts these to codes usable by other electronic devices. (Westerman, paragraphs [0041] - [0045]). In Westerman, each code appears to be used for mapping to completely different functions and not a plurality of different degrees of one function. Thus, Westerman does not teach "the first region associated with a first function having a plurality of **different degrees** of said first function **each degree of the first function associated with a corresponding relative distance from the dividing line.**"